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The time period for reply, if any, is set in the attached communication.

1  
2 RECORD OF ORAL HEARING  
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4 UNITED STATES PATENT AND TRADEMARK OFFICE  
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7 BEFORE THE BOARD OF PATENT APPEALS  
8 AND INTERFERENCES  
9

10  
11 *Ex parte* ROBERT JOSEPH ANGEN, and JOHN GARRETT PENN II  
12

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14 Appeal 2009-010449  
15 Application 10/813,606  
16 Technology Center 3600  
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19 Oral Hearing Held: February 4, 2010  
20  
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22 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and  
23 JOSEPH A. FISCHETTI, *Administrative Patent Judges*.  
24

25 APPEARANCES:  
26  
27

28 ON BEHALF OF THE APPELLANT:  
29

30 GEORGE Y. WANG, ESQUIRE  
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1  
2           The above-entitled matter came on for hearing on Thursday, February  
3 4, 2010, commencing at 1:31 p.m., at the U.S. Patent and Trademark Office,  
4 600 Dulany Street, Alexandria, Virginia, before Paula Lowery, Notary  
5 Public.  
6 THE CLERK: Good afternoon. Calendar Number 37, Mr. Wang.  
7 JUDGE CRAWFORD: Good afternoon.  
8 MR. WANG: Good afternoon. I'll begin by thanking the Board for the time  
9 to hear Appellants' arguments in the case.  
10 If I may begin with a brief introduction to the invention --  
11 JUDGE CRAWFORD: Would you introduce yourself?  
12 MR. WANG: My name is George Wang, an attorney from Hunton &  
13 Williams, Registration 58,637.  
14 I'm not sure who this is.  
15 JUDGE CRAWFORD: It's a public hearing.  
16 MR. WANG: If I may begin with a brief description of our fun and exciting  
17 invention and briefly describe the claim features. Then I'll discuss the main  
18 arguments I want to present today.  
19 Basically, our system is a display system, which is fun and unique in that it's  
20 geared for collectibles, sports memorabilia, model cars; and it's presented in  
21 such a way that it has removable mounting assemblies so you can remove  
22 this from the shelf. It has the capability of being viewed favorably by  
23 anyone standing around this display system.  
24 There's several embodiments that sort of capture the fact that these mounting  
25 assemblies could be angled, could be perpendicular, could be clear. So from

1 whatever angle the person viewing the display can see these objects within  
2 the display from various angles.

3 Directing our attention to Claim 1, which is the independent claim, has been  
4 rejected under 102(b) using reference U.S. 606,889 to Gregory.

5 Just a brief description of the claims, we have claimed here a shelf assembly  
6 as a first and second side, a wall mounting assembly for mounting to the  
7 wall, which has a sliding mechanism, so that a shelf-mount assembly can  
8 slide in and out of it.

9 The shelf-mount assembly is also removably mounted to a shelf assembly.

10 The shelf assembly is the piece in which the object, such as the baseball,  
11 model car, football is placed for viewing.

12 That's the limitation that I wanted to kind of argue today. The Examiner  
13 appears to think that this shelf-mount assembly is taught in the Gregory  
14 reference, however, the shelf-mount assembly is not. At least not in the way  
15 that it's claimed.

16 The shelf-mount assembly, which the limitation in Claim 1 says that it is for  
17 mounting to one or more wall mounting assemblies through the sliding  
18 mechanism, and to removably mounting the shelf assembly.

19 In other words, this shelf-mount assembly forms the integral piece between  
20 the actual shelf that holds the object for display and the part that's  
21 permanently connected to the wall. This shelf-mount assembly is removably  
22 attached to both. The wall-mount assembly into the shelf assembly.

23 From the Gregory reference, the Examiner actually presents several ways to  
24 interpret their particular system. In Gregory the system that's presented  
25 there, number one, is not a shelf display type assembly. Rather it's a  
26 typewriter holder from the 1800s.

1 What this typewriter holder does is it connects to a desk, not a wall, and it  
2 has a pivot which pins H and I can go into. Now, H is directly integrally  
3 connected to the rest of the bracket, which can be seen in Parts F, J, M, L.  
4 All those are one integrated piece.

5 The Examiner has asserted that that entire piece is actually two pieces in our  
6 claimed invention.

7 JUDGE FETTING: Why is that improper?

8 MR. WANG: Because we claim in three that it's removably mounting the  
9 shelf assembly.

10 JUDGE FETTING: Well, I'm looking at I think it's Figure 1. It would  
11 appear it is removably mounted to the wall mounting assembly, number A.  
12 The pivot pins will allow you to remove it from the wall mount.

13 MR. WANG: That's true, but it's not removably mounting from the shelf  
14 assembly itself.

15 JUDGE FETTING: Okay.

16 MR. WANG: For example, pin H is what the Examiner is citing or asserting  
17 is the shelf-mount assembly.

18 JUDGE FETTING: It's not clear to me from the claim that the shelf-mount  
19 assembly has to be removable from the shelf assembly.

20 MR. WANG: The claim as read says a shelf-mount assembly for: (1)  
21 mounting to one or more wall mounting assemblies through the slotting  
22 mechanism.

23 JUDGE FETTING: Right.

24 MR. WANG: And (2) removably mounting the shelf assembly.

25 JUDGE FETTING: Right.

1 MR. WANG: So from the claim language the shelf-mount assembly can be  
2 removably mounted onto the shelf assembly.

3 JUDGE FETTING: I don't see that. It says removably mounting the shelf  
4 assembly. I read that to mean removably mounting the shelf assembly onto  
5 what's the equivalent of the wall-mounting assembly.

6 MR. WANG: Well, if you look at the second claim limitation then --

7 JUDGE FETTING: Yes.

8 MR. WANG: -- because there's similar language, and it's interpreted the  
9 same way that I'm trying to interpret it here.

10 If you look it says: one or more wall-mounting assemblies for mounting a  
11 wall and comprising a slot mechanism, and I'm going to quote this, "for  
12 removably mounting a shelf-mount assembly."

13 That language is similar to the language that we have in Claim 3, yet there's  
14 no miscommunication or understanding that it's the sliding mechanisms for  
15 removably mounting the shelf-mount assembly. That it can be removable  
16 from the slotting mechanism and the shelf-mount assembly.

17 In this case we're talking a shelf-mount assembly is also removably  
18 mounting the shelf assembly.

19 So there's similar language used in the first part of that second limitation to  
20 describe how the slotting mechanism is removably mounting a shelf-mount  
21 assembly. That's why -- it's consistent with the interpretation, and the  
22 Examiner hasn't, you know, interpreted that another way.

23 JUDGE FETTING: To me they both are saying you can remove the shelf  
24 and shelf mount from the wall mount. I'm not seeing anything in the claim  
25 that says that the shelf mount has to be removed from the shelf. I'm just not  
26 seeing it in the claim.

1 MR. WANG: The way I'm looking at this claim, you guys understand in  
2 Claim 3 it says shelf-mount assembly for removably mounting the shelf  
3 assembly.

4 JUDGE FETTING: Okay, but it does not say from what, right? It just says  
5 removably mounting the shelf assembly.

6 MR. WANG: Yes.

7 JUDGE FETTING: So we're left with claim construction. I'm construing it  
8 to say removably mounting the shelf assembly from the wall-mounting  
9 assembly, and there's nothing in the claim that suggests that's an improper  
10 construction that I can see.

11 MR. WANG: What I'm suggesting in terms of claim construction then, if  
12 you look at claim limitation 2 --

13 JUDGE FETTING: Okay.

14 MR. WANG: -- because there doesn't seem like there's a discrepancy when  
15 we look at that claim -- at that portion of the limitation.

16 If you look at Claim 2, the end of line 1 for the limitation, it says: "A  
17 slotting mechanism for removably mounting a shelf-mount assembly."

18 That's similar language to what we're using in that third limitation regarding  
19 the shelf-mount assembly.

20 But there's a clear understanding there that the slotting mechanism is  
21 removably mounted from the shelf-mount assembly.

22 JUDGE FETTING: Right. Again, from the wall-mounting assembly. In  
23 both 2 and 3 it's saying you can remove the wall-mount assembly -- the  
24 shelf-mount assembly, from the wall-mount assembly.

25 MR. WANG: That's what the first limitation that we're talking about does.

26 JUDGE FETTING: Right.

1 MR. WANG: If you look at the language as we're reading, it says: "A slot  
2 mechanism for removably mounting a shelf-mount assembly." So what  
3 that's saying is this wall mount has a slot, which we call it a slot mechanism,  
4 right?

5 JUDGE FETTING: Right.

6 MR. WANG: It's removably mounting a shelf assembly. That's the  
7 triangular piece in our Figure 4, okay? That's the shelf-mount assembly, and  
8 it's removably mounting that piece.

9 We can read that claim, and we can understand that those two pieces that  
10 we're talking about -- the slotting mechanism and the shelf-mount assembly  
11 -- they're removable from each other.

12 JUDGE FETTING: I'm sorry, what's removable from each other?

13 MR. WANG: The shelf-mount assembly and the slotting mechanism.

14 JUDGE FETTING: Okay. The pin is removable from the slot, right.

15 MR. WANG: Yes, so when we read that limitation, we read it as a slotting  
16 mechanism for removably mounting a shelf assembly.

17 JUDGE FETTING: Right.

18 MR. WANG: It's clear, at least to my understanding from the panel, it's  
19 clear that when we have that piece that's mounted to the wall which has the  
20 slotting mechanism, and in the language as stated -- "for removably  
21 mounting a shelf-mount assembly" -- it's clear it's those two pieces that we're  
22 talking about that are removable from one another.

23 Here what I'm trying to argue in Claim 3, the language "the shelf-mount  
24 assembly for removably mounting a shelf assembly," which is the same  
25 claimed interpretation, so to speak.

1 If you look at the pieces we're talking about, we're talking about the shelf-  
2 mount assembly now, and it's removably mounting the shelf assembly.

3 So if you're saying both of these limitations apply to removing from the  
4 wall, my argument is that the first one is talking about removing from the  
5 slot and shelf assembly. That's consistent with my understanding of your  
6 interpretation of the claim construction.

7 Now, if we take that same construction, the same way we're reading that  
8 claim and understanding those two pieces and how they are removable from  
9 one another, if we take that same interpretation to the limitation here  
10 regarding the shelf-mount assembly, we're talking about the two pieces.

11 Again, the interpretation would be that the shelf-mount assembly is  
12 removably mounting the shelf assembly, which is the argument that  
13 Appellants have been making with the Examiner and we present here to the  
14 Board.

15 That's the distinguishing feature that we have regarding the shelf assembly  
16 and the shelf-mount assembly.

17 JUDGE FETTING: I understand your point.

18 MR. WANG: Are there any further questions?

19 JUDGE FETTING: I don't have any other questions.

20 JUDGE CRAWFORD: No.

21 MR. WANG: Thank you.

22 Whereupon, the proceedings at 1:45 p.m. were concluded.  
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